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MOBIN, HASANUL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/814,773	LAWRENCE ET AL.
Office Action Summary	Examiner	Art Unit	
	HASANUL MOBIN	2168	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 February 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-14,16-20,23-39,41-45 and 48-53</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-14,16-20,23-39,41-45 and 48-53</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/22/2008</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the amendment filed on February 19, 2008.

Claims 15, 21-22, 40 and 46-47 have been canceled. Claims 52 and 53 have been

added. Therefore, claims 1-14, 16-20, 23-39, 41-45 and 48-53 are pending in the

application for examination.

Response to Amendment

2.   As per the rejection under 35 U.S.C. 101 imposed in the previous Office Action,

for the claim 26-50 have been withdrawn because of the amendment to the claims.

Objection to the claims 26-33, 38 and 41-47 are withdrawn because of the

Applicant's amendment to the claims.

Provisionally Double Patenting rejection of claim 16 has been withdrawn because

of the Applicant's amendment and clarification to the claim.

Claim Objections

3.   Independent claims 26, 38 and 41 have been amended to correct the rejection

under 35 U.S.C. 101 imposed in the previous Office Action by reciting "computer-

readable storage medium". But the dependent claims 27-37, 39, 42-45 and 48-50 still

recites "computer-readable medium". They need to be changed to recite "computer-

readable storage medium".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-8, 13-14, 26-33, 38-39 and 51 are rejected under 35 U.S.C. 102(e) as

being anticipated by <u>Spector</u> Corporate network Edition 4.0 ('<u>Spector</u>', hereafter,

provided by the applicant's IDS).

Regarding claim 1, <u>Spector</u> teaches a computer based system that

receiving a plurality of keystrokes associated with an application (<u>Spector</u> provide

the ability to record all keystrokes together, for each program window, <u>Spector</u>, page 6,

lines 1-4);

processing each keystroke to determine an associated action forming a plurality

of associated actions (recording information specific to the Instant Message, Chat,

Email, Snapshot, Program. Events are stored as individual records that can later be

searched, sorted, summarized, reported, or individually viewed, <u>Spector</u>, page 2); and

determining an event based at least in part on the plurality of associated actions

(Snapshot events will provide a graphic detail of what the computer user was seeing,

Spector, page 2).

Regarding claim 2, Spector teaches that determining an application in focus

(Spector teaches only monitoring and recording selected Windows applications at page

9-10, section "Only record the following applications").

Regarding claim 3, Spector teaches that determining that the plurality of

associated actions forms a word or words and wherein the event is a number of words

(all other events can be searched by keywords to find particular events, Spector, page

2).

Regarding claim 4, Spector teaches that the word or words are determined at

least in part by the receipt of at least one keystroke indicating a space or a punctuation

symbol (it is obvious that when keystrokes that create actions and events could have

space or punctuation).

Regarding claim 5, Spector teaches that determining that the plurality of

associated actions form a character or characters and wherein the event is a number of

characters (a skill person in the art knows that characters are associated with various

graphical symbols and characters make up word and word or words make up events).

Regarding claim 6, Spector teaches that updating a capture state after each

keystroke is processed (Page 6, lines 1-4: Spector provides the ability to record all

keystroke typed (state change) on a client computer).

Regarding claim 7, <u>Spector</u> teaches that updating a current user state based at least in part on the event ((Page 6, lines 1-4: <u>Spector</u> provides the ability to record all keystroke together, for each separate windows in which they are typed).

Regarding claim 8, <u>Spector</u> teaches that indexing and storing the event (<u>Spector</u> teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email, Program, Web Site, and Keystroke event categories at page 2, lines 1-5. <u>Spector</u> teaches events are stored as individual records (index into individual or person) that can later be searched, sorted, summarized, reported, or individual viewed at page 2, lines 5-6).

Regarding claim 13, <u>Spector</u> teaches that

determining an event based on user input (<u>Spector</u> provides the ability to Monitor Computer View of the Control Center to select the client computer to review. See viewing email for details on reviewing the recorded email, page 5) comprising a plurality of keystrokes associated with an application (<u>Spector</u> provide the ability to record all keystrokes together, for each program window, <u>Spector</u>, page 6, lines 1-4);

determining an importance of the event (<u>Spector</u> teaches only monitoring and recording selected Windows applications at page 9-10, section "Only record the following applications"); and

selectively indexing the event responsive to the importance of the event (<u>Spector</u> teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email, Program, Web Site, and Keystroke event categories at page 2, lines 1-5. Spector teaches events are stored as individual records (index into individual or person) that

can later be searched, sorted, summarized, reported, or individual viewed at page 2,

lines 5-6).

Regarding claim 14, <u>Spector</u> teaches that user input is one or more of a number

of words determined from the plurality of keystrokes, a number of characters

determined from the plurality of keystrokes, and a change in focus from the application

to another application (<u>Spector</u> provides the ability to record all keystrokes typed on a

client, <u>Spector</u>, page 6, line 2).

Regarding claims 26-33, 38-39, although claims 26-33, 38-39 is directed to a

computer-readable medium; it is similar in scope to claims 1-8, 13-14. It would be

obvious to implement the method of claims 1-8, 13-14 on a computer-readable medium;

the method of claims 1-8, 13-14 would inherently involve the need for the method to be

implemented on a computer-readable medium. The method steps of claims 1-8, 13-14

substantially encompass the computer-readable medium recited in claims 26-33, 38-39

therefore; claims 26-33, 38-39 are rejected for at least the same reason as claims 1-8,

13-14 above.

Regarding claim 51, <u>Spector</u> teaches a method, comprising:

determining an application in focus (<u>Spector</u> teaches only monitoring and

recording selected Windows applications at page 9-10, section "Only record the

following applications");

receiving a plurality of keystrokes associated with the application (<u>Spector</u>

provide the ability to record all keystrokes together, for each program window, Spector,

page 6, lines 1-4);

processing each keystroke to determine an associated action forming a plurality

of associated actions (recording information specific to the Instant Message, Chat,

Email, Snapshot, Program. Events are stored as individual records that can later be

searched, sorted, summarized, reported, or individually viewed, <u>Spector</u>, page 2);

determining that the plurality of associated actions forms a word or words (all

other events can be searched by keywords to find particular events, <u>Spector</u>, page 2);

determining an event based at least in part on the plurality of associated actions,

wherein the event is a number of words (all other events can be searched by keywords

to find particular events, <u>Spector</u>, page 2).;

determining whether to index the event (<u>Spector</u> teaches the event data are

indexed into of Snapshot, Instant Message, Chat, Email, Program, Web Site, and

Keystroke event categories at page 2, lines 1-5. <u>Spector</u> teaches events are stored as

individual records (index into individual or person) that can later be searched, sorted,

summarized, reported, or individual viewed at page 2, lines 5-6); and

indexing and storing the event if it is determined to index the event (<u>Spector</u>

teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email,

Program, Web Site, and Keystroke event categories at page 2, lines 1-5. <u>Spector</u>

teaches events are stored as individual records (index into individual or person) that can

later be searched, sorted, summarized, reported, or individual viewed at page 2, lines 5-

6).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1.   Determining the scope and contents of the prior art.
   2.   Ascertaining the differences between the prior art and the claims at issue.
   3.   Resolving the level of ordinary skill in the pertinent art.
   4.   Considering objective evidence present in the application indicating
         obviousness or nonobviousness.

8.   Claims 9-12, 34-37 and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Spector</u> Corporate network Edition 4.0 ('<u>Spector</u>', hereafter, provided

by the applicant's IDS) in view of <u>Cason</u> et al. (US Patent Number 4,410,957, '<u>Cason</u>',

hereafter).

   Regarding claim 9, <u>Spector</u> does not teach that each associated action is

determined at least in part by matching the keystroke to an entry in a keystroke table

and determining an action in the keystroke table associated with the entry.

   However <u>Cason</u> teaches that each associated action is determined at least in

part by matching the keystroke to an entry in a keystroke table and determining an

action in the keystroke table associated with the entry (the keyboard access system

further includes a table recording valid typamatic function keys. The typamatic control

compares the keystroke information and the valid typamatic function keys in the table

and enqueues the keystroke information only if a comparison is found, Cason, Col 1,

lines 60-65 and Fig. 3, 92).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made having the teachings of Spector and Cason before him/her

to modify the method of Spector with the teaching of Cason. One would have been

motivated to do so for the benefit of having an efficient keyboard interface with software

component as taught by Cason (Cason, Col 1, lines 5-10).

Regarding claim 10, Spector does not teach that the action comprises one of

adding a character to a word, deleting a character from a word, inserting a character,

overwriting a character, deleting a word, deleting a paragraph, selecting an item, and

repositioning the cursor.

However, Cason teaches that the action comprises one of adding a character to

a word, deleting a character from a word, inserting a character, overwriting a character,

deleting a word, deleting a paragraph, selecting an item, and repositioning the cursor

(Data is moved, copied or deleted from a display in the text processing machines by

setting a cursor at the first character to be deleted or the last character to be deleted

and then moving the cursor through a textual display in either a vertical or horizontal

direction or a combination thereof, Cason, Col 3, lines 49-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of <u>Spector</u> and <u>Cason</u> before him/her to modify the method of <u>Spector</u> with the teaching of <u>Cason</u>. One would have been motivated to do so for the benefit of having an efficient keyboard interface with software component as taught by <u>Cason</u> (<u>Cason</u>, Col 1, lines 5-10).

Regarding claim 11, <u>Spector</u> does not teach that the keystroke table is associated with the application.

However, <u>Cason</u> teaches that the keystroke table is associated with the application (The keyboard access system 40 comprises a number of stored instructions and data within the random access memory 28 which define the keyboard interrupt service routine program 62, a table of valid typamatic keys 64 and a half speed bit store 66. The table of valid typamatic keys 64 includes a listing of each key for which a typamatic function is desired within the machine itself, <u>Cason</u>, Col 5, lines 25-35, Fig. 1 and Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of <u>Spector</u> and <u>Cason</u> before him/her to modify the method of <u>Spector</u> with the teaching of <u>Cason</u>. One would have been motivated to do so for the benefit of having an efficient keyboard interface with software component as taught by <u>Cason</u> (<u>Cason</u>, Col 1, lines 5-10).

Regarding claim 12, <u>Spector</u> does not teach that the keystroke table is a generic keystroke table.

However, <u>Cason</u> teaches that the keystroke table is a generic keystroke table (<u>Cason</u>, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of <u>Spector</u> and <u>Cason</u> before him/her to modify the method of <u>Spector</u> with the teaching of <u>Cason</u>. One would have been motivated to do so for the benefit of having an efficient keyboard interface with software component as taught by <u>Cason</u> (<u>Cason</u>, Col 1, lines 5-10).

Regarding claims 34-37, although claims 34-37 are directed to a computer-readable medium; it is similar in scope to claims 9-12. It would be obvious to implement the method of claims 9-12 on a computer-readable medium; the method of claims 9-12 would inherently involve the need for the method to be implemented on a computer-readable medium. The method steps of claims 9-12 substantially encompass the computer-readable medium recited in claims 34-37 therefore; claims 34-37 are rejected for at least the same reason as claims 9-12 above.

Regarding claim 52, <u>Spector</u> teaches a method, comprising:

receiving one or more keystrokes associated with an application of a plurality of applications (<u>Spector</u> provide the ability to record all keystrokes together, for each program window, <u>Spector</u>, page 6, lines 1-4);

determining an event based at least in part on the one or more associated actions (Snapshot events will provide a graphic detail of what the computer user was seeing, <u>Spector</u>, page 2);

determining an importance of the event responsive to the one or more associated actions (Spector teaches only monitoring and recording selected Windows applications at page 9-10, section "Only record the following applications"); and

selectively indexing the event responsive to the importance of the event (Spector teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email, Program, Web Site, and Keystroke event categories at page 2, lines 1-5. Spector teaches events are stored as individual records (index into individual or person) that can later be searched, sorted, summarized, reported, or individual viewed at page 2, lines 5-6).

Spector does not teach that

selecting a keystroke table associated with the application from among a plurality of application-specific keystroke tables;

determining an action associated with each keystroke at least in part by matching the keystroke to an entry in the selected keystroke table to form one or more associated actions;

However, Cason teaches that

selecting a keystroke table associated with the application from among a plurality of application-specific keystroke tables (The keyboard access system 40 comprises a number of stored instructions and data within the random access memory 28 which define the keyboard interrupt service routine program 62, a table of valid typamatic keys 64 and a half speed bit store 66. The table of valid typamatic keys 64 includes a listing

of each key for which a typamatic function is desired within the machine itself, Cason,

Col 5, lines 25-35, Fig. 1 and Abstract);

determining an action associated with each keystroke at least in part by matching

the keystroke to an entry in the selected keystroke table to form one or more associated

actions (the keyboard access system further includes a table recording valid typamatic

function keys. The typamatic control compares the keystroke information and the valid

typamatic function keys in the table and enqueues the keystroke information only if a

comparison is found, Cason, Col 1, lines 60-65 and Fig. 3, 92).

Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made having the teachings of Spector and Cason before him/her to

modify the method of Spector with the teaching of Cason. One would have been

motivated to do so for the benefit of having an efficient keyboard interface with software

component as taught by Cason (Cason, Col 1, lines 5-10).

9.   Claims 16-20, 23-25, 41-45, 48-50 and 53 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Spector Corporate network Edition 4.0 ('Spector', hereafter,

provided by the applicant's IDS) in view of Jade et al. (US Pub Number 2003/0001854,

provided by the applicant's IDS).

Regarding claim 16, Spector teaches that

processing the plurality of display calls to determine a display (Spector teaches

only monitoring and recording selected Windows applications at page 9-10, section

"Only record the following applications". Therefore, comparing (processing) plurality of

display calls with selected Windows application information (target window profile) for

determining to record only selected Windows application is also taught by Spector);

determining an event based at least in part on the display (Page 7, lines 22-33:

the information recorded by Spector about program (data captured from the target

window) executed on the Client computer can be very powerful in determining how user

spent their time on the computer (determining an event));

determining an importance of the event (Spector teaches only monitoring and

recording selected Windows applications at page 9-10, section "Only record the

following applications"); and

selectively indexing the event responsive to the importance of the event (Spector

teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email,

Program, Web Site, and Keystroke event categories at page 2, lines 1-5. Spector

teaches events are stored as individual records (index into individual or person) that

can later be searched, sorted, summarized, reported, or individual viewed at page 2,

lines 5-6).

Spector does not teach that receiving a plurality of display calls associating with

an application.

However, Jade teaches that receiving a plurality of display calls associating with

an application (Jade teaches that these graphic capturing techniques can be applied

directly to any controls, buttons, windows and/or any other display objects that can be

invoked (display calls) by an application, Jade, [0010], lines 6-9).

Spector and Jade are analogous art because they are from same field of
endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made having the teachings of Spector and Jade before him/her
to modify the method of Spector with the teaching of Jade because it would capture the
one or more graphics primitives associated with an application as taught by Jade (Jade,
[0010], lines 1-3).

Regarding claim 17, Spector as modified teaches that determining an
application in focus (Spector teaches only monitoring and recording selected Windows
applications at page 9-10, section "Only record the following applications". Therefore,
comparing application information with selected Windows applications information
(target application profiles) for determining to record only selected Windows applications
(target application) is also taught by Spector), and Jade teaches further wherein the
plurality of display calls are associated with target applications (Jade, [0010], lines 6-9).

Regarding claim 18, Spector as modified teaches that determining that the
display includes a word or words and wherein the event is a number of words (all other
events can be searched by keywords to find particular events, Spector, page 2, Spector
records the content of email (captures text input), Page 3, lines 1-10).

Regarding claim 19, Spector does not teach that updating a capture state after
each display call is processed.

However, Jade teaches that updating a capture state after each display call is
processed (the patches allow for the capture of the various graphics primitives (display

calls) and associated attributes of the primitives that are drawn to the user interface, Jade, [0011], lines 15-17).

Spector and Jade are analogous art because they are from same field of endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Spector and Jade before him/her to modify the method of Spector with the teaching of Jade because it would capture the one or more graphics primitives associated with an application as taught by Jade (Jade, [0010], lines 1-3).

Regarding claim 20, Spector does not teach that updating a current user state based at least in part on the event.

However, Jade teaches that updating a current user state based at least in part on the event (a "calling process" is the process that utilizes the invention to capture the one or more graphics primitives of a display object (display elements) that can be invoked by the various application programs on the computer, Jade, [0023]).

Spector and Jade are analogous art because they are from same field of endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Spector and Jade before him/her to modify the method of Spector with the teaching of Jade because it would capture the one or more graphics primitives associated with an application as taught by Jade (Jade, [0010], lines 1-3).

Regarding claim 23, Spector does not teach that the display is determined at least in part by using an array of a current state of the display and updating the array with the display call.

However, Jade teaches that the display is determined at least in part by using an array of a current state of the display and updating the array with the display call (This descriptive information can include parameters such as the type of display object (dialog box, menu, window, etc.) and its current state (active/inactive). Context information also includes system information such as the API calls and/or function calls made by the target application to render the display object to a user interface, the object handle or resource ID, the specific location of files called during execution of the display object, and any other information that provides a general context for the text that is displayed to the user interface screen 191 during the execution of the target process or application, Jade, [0026]. In addition it is also well known in the art that display is an array of the pixels and the current state of the display would be determined by the array of the pixels).

Spector and Jade are analogous art because they are from same field of endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Spector and Jade before him/her to modify the method of Spector with the teaching of Jade because it would capture the one or more graphics primitives associated with an application as taught by Jade (Jade, [0010], lines 1-3).

Regarding claim 24, <u>Spector</u> does not teach that the display is determined at least in part by constructing display items based at least in part on display positions of the display calls.

However, <u>Jade</u> teaches that the display is determined at least in part by constructing display items based at least in part on display positions of the display calls (a display object is invalidated each time a user resizes the display object or moves it to a different position within the user interface, <u>Jade</u>, [0039]).

<u>Spector</u> and <u>Jade</u> are analogous art because they are from same field of endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of <u>Spector</u> and <u>Jade</u> before him/her to modify the method of <u>Spector</u> with the teaching of <u>Jade</u> because it would capture the one or more graphics primitives associated with an application as taught by <u>Jade</u> (<u>Jade</u>, [0010], lines 1-3).

Regarding claim 25, <u>Spector</u> does not teach that processing the plurality of display calls to determine a display comprises analyzing one or more of the x,y coordinates, lengths, and relative positions of a plurality of items written to the display using display calls.

However, <u>Jade</u> teaches that processing the plurality of display calls to determine a display comprises analyzing one or more of the x,y coordinates, lengths, and relative positions of a plurality of items written to the display using display calls (<u>Jade</u> teaches the graphics primitives include drawing elements (display items) such as text characters

or strings, lines, arcs, polygons, etc., and have associated attributes that define its

visual appearance such as font size, line length, and arc length, Jade, [0023], lines 7-

11. In addition, the x,y coordinates and relative positions are well known in the art

especially in graphical user interface (GUI)).

Spector and Jade are analogous art because they are from same field of

endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made having the teachings of Spector and Jade before him/her

to modify the method of Spector with the teaching of Jade because it would capture the

one or more graphics primitives associated with an application as taught by Jade (Jade,

[0010], lines 1-3).

Regarding claims 41-45 and 48-50, although claims 41-45 and 48-50 are

directed to a computer-readable medium, it is similar in scope to claims 16-20 and 23-

25. It would be obvious to implement the method of claims 16-25 on a computer-

readable medium; the method of claims 16-20 and 23-25 would inherently involve the

need for the method to be implemented on a computer-readable medium. The method

steps of claims 16-20 and 23-25 substantially encompass the computer-readable

medium recited in claims 41-45 and 48-50 therefore; claims 41-45 and 48-50 are

rejected for at least the same reason as claims 16-20 and 23-25 above.

Regarding claim 53, Spector teaches a method, comprising:

receiving one or more keystrokes associated with an application (Spector provide

the ability to record all keystrokes together, for each program window, Spector, page 6,

lines 1-4);

determining one or more associated actions responsive to the one or more

higher level messages (all other events can be searched by keywords to find particular

events, Spector, page 2);

determining an event based at least in part on the one or more associated

actions (Snapshot events will provide a graphic detail of what the computer user was

seeing, Spector, page 2);

determining an importance of the event responsive to the one or more associated

actions (Spector teaches only monitoring and recording selected Windows applications

at page 9-10, section "Only record the following applications"); and

selectively indexing the event responsive to the importance of the event (Spector

teaches the event data are indexed into of Snapshot, Instant Message, Chat, Email,

Program, Web Site, and Keystroke event categories at page 2, lines 1-5. Spector

teaches events are stored as individual records (index into individual or person) that

can later be searched, sorted, summarized, reported, or individual viewed at page 2,

lines 5-6).

Spector does not teach that

sending the one or more keystrokes to an operating system to be translated into

one or more higher level messages (recording information specific to the Instant

Message, Chat, Email, Snapshot, Program. Events are stored as individual records that

can later be searched, sorted, summarized, reported, or individually viewed, <u>Spector</u>,

page 2);

receiving the one or more higher level messages from the operating system;

However, <u>Jade</u> teaches that

sending the one or more keystrokes to an operating system to be translated into

one or more higher level messages (<u>Jade</u> teaches that once the spy DLL (capture

component code) is injected, it installs (establishes) hood functions into the operating

system API's, and the hood functions monitor the operating system messages

generated during the execution of the target application, <u>Jade</u>, [0011], lines 9-11);

receiving the one or more higher level messages from the operating system

(<u>Jade</u> teaches that a "calling process" is the process that utilizes the invention to

capture (monitor) the one or more graphics primitives of a display object (display

elements) that can be invoked by the various application programs on the computer,

<u>Jade</u>, [0011], lines 9-11);

<u>Spector</u> and <u>Jade</u> are analogous art because they are from same field of

endeavor of capturing event data from window.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made having the teachings of <u>Spector</u> and <u>Jade</u> before him/her

to modify the method of <u>Spector</u> with the teaching of <u>Jade</u> because it would capture the

one or more graphics primitives associated with an application as taught by <u>Jade</u> (<u>Jade</u>,

[0010], lines 1-3).

Response to Arguments

10.   Applicant's arguments filed February 19, 2008 have been fully considered but they are not persuasive.

11.   As per claim 1, in response to applicant's argument on page 12 that "<u>Spector</u> does not teach or suggest determining an event based at least in part on a plurality of associated actions, where the associated actions are determined by processing keystrokes" and "<u>Spector</u> simply records the keystrokes; it does not process the keystrokes to determine associated actions or determine an event based at least in part on associated actions", are acknowledged but not deemed to be persuasive.

      <u>Spector</u> will record (capture) all keystrokes (state change associated with elements) together, for each separate window in which they are typed, Spector, page 6, lines 1-12. <u>Spector</u> also teaches limiting to record only certain Windows applications, which have the Windows focus (target windows), by configuring the executable file names of the applications, <u>Spector</u> page 9-10, section "Only record the following applications." Therefore, Spector software will compare an executable file name of a Windows focus, which is opened by a user, with a list of configured executable file names. If they are matched, then <u>Spector</u> records that Windows application (i.e., record the keystrokes and process the keystrokes. In addition, the executable file names are used to identify the target windows, so they also are target window profiles. Thus <u>Spector</u> teaches the argued limitations of claim 1.

As per claim 13, in response to applicant's argument on page 13 that "Spector does not determine the importance of an event or selectively index the event responsive to its importance" and "Furthermore, Spector does not even disclose that events are indexed; it merely states that events are "stored." ", are acknowledged but not deemed to be persuasive.

Spector teaches that the event data are indexed into of Snapshot, Instant Message, Chat, Email, Program, Web Site, and Keystroke event categories at page 2, lines 1-5. Spector teaches limiting to record only certain Windows applications, which have the Windows focus (target windows), by configuring the executable file names of the applications at page 9-10, section "Only record the following applications." Therefore, Spector determines the importance of an event by recording the selected applications. Spector also teaches events are stored as individual records (an index in databases is a pointer for every record in a data file). Since Spector stores event as individual records, therefore, it selectively indexing records that can later be searched, sorted, summarized, reported, or individually viewed, Spector, page 2, lines 5-6.

12.   In response to applicant's argument on page 14 with respect to dependent claims 9-12 and 34-37 that there is no suggestion to combine the Spector, Cason and Jade references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner

respectfully submits that <u>Spector</u> teaches all the limitations of independent claims such

as processing keystrokes to determine associated actions or determining an event

based on a plurality of associated actions and an importance of an event or selectively

indexing the event response to its importance and incorporated herein above.

<div align="center">***Conclusion***</div>

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

      A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HASANUL MOBIN whose telephone number is

(571)270-1289. The examiner can normally be reached on Monday Thru Friday 5:30 to
1:00 and Saturday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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